

ESTTA Tracking number: **ESTTA362089**

Filing date: **08/09/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052628
Party	Plaintiff Chin-Lan Chang
Correspondence Address	MARK FANG MARK FANG ATTORNEY AT LAW APC 215 E. DAILY DR. SUITE 9 CAMARILLO, CA 93010 UNITED STATES jfukasawa@markfangapc.com, mfang@markfangapc.com
Submission	Motion for Default Judgment
Filer's Name	John Fukasawa
Filer's e-mail	jfukasawa@markfangapc.com, mfang@markfangapc.com
Signature	/John Fukasawa/
Date	08/09/2010
Attachments	request to enter default judgment.pdf (3 pages)(8542 bytes)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark registration no. 3530129 registered on November 11, 2008.

_____)	
CHIN-LAN CHANG, individual)	Cancellation No.: 92052628
)	
Petitioner,)	Registration No.: 3530129
)	
v.)	NOTICE OF MOTION AND
)	MOTION REQUESTING COURT
KERWIN IFILL, individual)	TO ENTER DEFAULT
)	JUDGMENT OF REGISTRANT
Registrant.)	KERWIN IFILL
)	[37 CFR § 2.114(a). F.R.C.P. 55(b)]
_____)	

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

**NOTICE OF MOTION AND MOTION REQUESTING COURT TO ENTER
DEFAULT JUDGMENT OF REGISTRANT KERWIN IFILL**

TO REGISTRANT AND HIS ATTORNEY OF RECORD:

PLEASE TAKE NOTICE THAT as soon as this matter may be heard by the Trademark Trial and Appeal Board, Petitioner will present its application for default judgment against Registrant. At the time and place of hearing, Petitioner will present proof of the following matters:

1. Registrant Kerwin Ifill is not a minor or incompetent person or in military service or otherwise exempted under the Soldiers' and Sailors' Civil Relief Act of 1940;
2. Said Registrant has not appeared in this action; and
3. Petitioner is entitled to judgment against said Registrant on account of the claims pleaded in the complaint, to wit: Registrant's Registration No. 3530129 was obtained by fraud on the USPTO.

This application is based on this Notice, the attached declaration of John P. Fukasawa, and the pleadings, files and other matters that may be presented at the hearing.

Respectfully submitted,

Chin-Lan Chang

By: /John Fukasawa/

John P. Fukasawa
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Date: August 9, 2010

**DECLARATION OF JOHN P. FUKASAWA IN SUPPORT OF
APPLICATION FOR ENTRY OF DEFAULT JUDGMENT**

I John P. Fukasawa, declare as follows:

1. I am an attorney at law admitted to practice before all courts of the state of California and am counsel of record for Chin-Lan Chang.
2. On June 9, 2010, Chin-Lan Chang submitted a petition to cancel Registrant's trademark Registration No. 3530129 based on the allegation that it was obtained by fraud on the USPTO.
3. On June 9, 2010, this office served a copy of said petition on Registrant by first class mail at his address of record.
4. On June 28, 2010, the Trademark Trial and Appeal Board sent notice and trial dates to all parties. The time to answer was set for August 7, 2010.
5. This office has not heard from or made contact with the registrant or any of his attorneys or representatives.
6. As of today, Registrant has failed to file an answer.